

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles Bernasconi and Shannon Wainright
Serial Number: 09/641,866
Filing Date: August 18, 2000
Examiner/Art Group Unit: C. Bleck/3626
Title: INTERNET-BASED DISPATCHING SYSTEM

REVISED DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Charles Bernasconi, citizen of the United States, state:

1. I am a co-inventor of an Internet-based dispatching system for the placement of substitute workers into open positions that is the subject of United States application Serial No. 09/641,866, filed on August 18, 2000, which claims priority to United States provisional application Serial No. 60/150,001, which was filed on August 20, 1999.

2. This declaration relates to the date of invention for the above identified application in the United States on a date prior to June 3, 1999, which is the effective date of U.S. Patent Number 6,567,784 to Bukow that was cited by the Examiner in the Office Action dated November 18, 2003 and prior to July 31, 1999, which is the effective date of U.S. Provisional Patent Application Serial No. 60/146,776, to Joao that was cited by the Examiner in the Office Action dated July 19, 2004.

3. In response to a request by the Examiner, my co-inventor and I are providing herewith all known existing materials, publications, brochures, manuals, and/or press releases that describe the computer system that we ~~created~~ reduced to practice prior to June 1, 1999 that was used by Sue Lunsford and Jay Boitano prior to June 1, 1999 as described in their

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filed declarations.

4. Exhibit A is a Declaration of Sue Lunsford, who is not an inventor of the application. As shown in Ms. Lunsford's Declaration, she and I worked step by step to successfully and fully operate the system in training and testing sessions on April 6, 1999 through April 10, 1999.

5. Previously and during the month of May 1999, my co-inventor and I were actively marketing a system based on the invention under the name Substitute Online. Exhibit B is a flyer entitled "New Release" that we first sent out in April or May, 1999.

6. Exhibit C is a fax dated May 21, 1999 signed by me. It is in response to a call for more information about the Substitute Online system from a potential client at the Ontario/Montclair School District. It shows that our early marketing materials, one of which we called "New Release", were received by prospective customers before May 21, 1999.

7. During the month of May 1999, we wrote an article for several trade Journals and submitted it to them for publication. Exhibit D is a copy of the cover and the actual article in the Technical Horizons in Education (T.H.E.) Journal with an August 1999 cover date.

8. Exhibit E is a flyer that we distributed to prospective customers in about May to September 1999.

9. We distributed Exhibit F to prospective customers in about June to November 1999. It describes the system as it worked in April 1999 (and later).

10. Exhibits G and H are updated instructional manuals for teachers and substitutes. These sheets describe the system as it worked in April 1999 (and later). We first distributed a prior version of these sheets to users in about June 1999, but we no longer have copies of the originals. Exhibits G and H are based on the original sheets and reflect updates to

the sheets made after June 1999.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or of any patent issuing thereon.

Dated: 2/4/05

Charles E. Bernasconi
Charles Bernasconi

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